

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

Hearing Date: August 6, 2014
Hearing Time: 9:15 am
Hearing Place: Albany Courtroom

In Re:

LEE WADDELL,

Debtor.

Chapter 7
Case No. 12-12411

**DEBTOR'S OPPOSITION TO TRUSTEE'S MOTION
FOR CONTEMPT**

LEE WADDELL, the debtor herein (hereinafter the "Debtor"), by and through his attorneys, Tully Rinckey, PLLC (Robert J. Rock, of counsel) oppose the motion of Trustee Philip J. Danaher (hereinafter the "Trustee") to the extent that motion seeks an order of contempt and in support thereof, the Debtor respectfully shows the Court as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code (hereinafter the "Bankruptcy Code") on September 14, 2014.
2. Philip J. Danaher is the duly appointed and acting trustee in this case.
3. The Debtor has not yet received a discharge pursuant to 11 U.S.C. § 727 and the Trustee's time in which to object to such discharge has, from time to time, been extended with the consent of the Debtor.
4. The Debtor agrees with the Trustee's assertion that there are certain non-exempt assets in this case and the Debtor has made an offer of a cash payment of what he believes to be the fair value of those non-exempt assets, in particular a certain DJ sound system which the Debtor intends to use in the pursuit of his business and some cash.
5. The Debtor wishes to demonstrate to the Trustee the actual value of the said sound system

and cash as of the date of the filing and will consent to the payment of the appropriate amounts pursuant to the terms of the outstanding turnover order.

6. The Debtor has been out of the country in order to earn a living for much of the past year and it is his absence that has resulted in the failure to make payment thus far. The Debtor is willing to agree to a date certain and sum certain to be paid to the Trustee on account of the non-exempt assets.

WHEREFORE, the Debtor respectfully requests that this Court deny, the Trustee's motion to the extent that it seeks an order of contempt and that the Debtor be granted such other and further relief as to the Court may seem just and proper.

DATED: July 30, 2014
Albany, New York

Tully Rinckey, PLLC

By: /s/ Robert J. Rock
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